1	HOUSE BILL NO. 638
2	INTRODUCED BY ARNTZEN, MCGILLVRAY, RICE, SONJU
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BARBER AND COSMETOLOGY LAWS; CLARIFYING
5	CONDITIONS FOR A TEMPORARY SHOP OR SALON OPERATING PERMIT; AMENDING SECTIONS
6	37-31-302 AND 37-31-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	**Section 1.** Section 37-31-302, MCA, is amended to read:
11	**"37-31-302. License required to practice, teach, or operate salon or shop, booth, or school.** (1)
12	A person may not practice or teach barbering, cosmetology, electrology, esthetics, or manicuring without a
13	license.
14	(2) A place may not be used or maintained for the teaching of barbering, cosmetology, electrology,
15	esthetics, or manicuring for compensation except under a certificate of registration as a school.
16	(3) A person may not operate or manage a salon or shop without a license <u>or a temporary operating</u>
17	<u>permit as provided in 37-31-312</u>.
18	(4) A person may not operate or conduct a school of barbering, cosmetology, electrology, esthetics, or
19	manicuring or teach barbering, cosmetology, electrology, esthetics, or manicuring without a license to teach
20	barbering, cosmetology, electrology, esthetics, or manicuring.
21	(5) A person may not manage or operate a booth without a booth rental license.
22	(6) A person, firm, partnership, corporation, or other legal entity desiring to operate a salon or shop shall
23	apply to the department for a certificate of registration and license. The application must be accompanied by the
24	registration fee.
25	(7) A license may not be issued until the inspection fees required in 37-31-312 have been paid."
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27	**Section 2.** Section 37-31-312, MCA, is amended to read:
28	**"37-31-312. Inspection <u>-- temporary permits</u>.** (1) The department shall appoint one or more
29	inspectors, each of whom shall devote time to inspecting salons or shops and performing other duties as the
30	department, in cooperation with the board, may direct. The inspectors may enter a salon or shop, booth, school

1   of barbering, school of cosmetology, school of electrology, school of esthetics, or school of manicuring during

2   business hours for the purpose of inspection, and the refusal of a licensee or school to permit the inspection

3   during business hours is cause for revocation of a licensee's license or a school's certificate of registration.

4   ~~(2)   Upon application for a license, a salon or shop shall pay an initial inspection fee prescribed by the~~

5   ~~board.~~

6   ——— ~~(3)~~(2)   ~~The~~ When an owner or operator applies for a shop or salon license and pays licensure and

7   inspection fees prescribed by the board, the board:

8   (a) may authorize the department to grant to a new salon or shop~~, upon payment of the initial inspection~~

9   ~~fee,~~ a temporary operating permit ~~authorizing the salon or shop to operate for a period not to exceed 90 days~~

10   ~~or until the inspector is able to make the inspection, whichever occurs first.~~; or

11   (b) shall, in order to avoid a disruption of business, authorize the department to grant a temporary

12   operating permit to an existing shop or salon whose owner or operator is currently in good standing with the

13   board, as defined by the board, and who is relocating to a new location. An owner or operator of an existing shop

14   or salon may not receive a temporary operating permit under this section within 90 days of a license renewal

15   date.

16   (3) A temporary operating permit granted pursuant to subsection (2) authorizes the salon or shop to

17   operate for a period not to exceed 90 days or until the inspector is able to make the inspection, whichever comes

18   first. A temporary permit is not renewable.

19   (4) The department shall require ~~the~~ an inspector ~~or inspectors,~~ appointed ~~as provided in~~ under

20   subsection (1)~~,~~ to conduct an annual inspection of each salon or shop in the state."

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22   NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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